

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JAMES MCDONALD,

Plaintiff,

v.

ONEWEST BANK, FSB, *et al.*,

Defendants.

No. C10-1952RSL

ORDER DENYING PLAINTIFF'S
MOTION TO COMPEL

This matter comes before the Court on "Plaintiff's Motion to Compel Freddie Mac to Produce Subpoenaed Information." Dkt. # 93. Plaintiff apparently mailed a one-page subpoena for the production of documents to Freddie Mac, a non-party, at its Virginia offices on or about May 13, 2011. In an undated letter, Freddie Mac's general counsel objected to the subpoena based on unspecified procedural errors. Plaintiff seeks to compel the requested production. Although the motion is unopposed, there is no indication that Freddie Mac received notice of its filing.

In order to obtain documents from a non-party, plaintiff must comply with the requirements of Rule 45. He did not do so. The subpoena attached as Exhibit 1 to the motion does not include the text of Rule 45(c) and (d) (as required by Rule 45(a)(1)(A)(iv)), was not personally served on Freddie Mac (as required by Rule 45(b)(1)), and was mailed to an entity

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1 residing outside this district and more than 100 miles away from the place of production (in
2 violation of Rule 45(b)(2)). In addition, there is no indication that plaintiff provided notice of
3 the subpoena to the other parties in this lawsuit (as required by Rule 45(b)(1)) or provided notice
4 of this motion to the commanded person (as required by Rule 45(c)(2)(B)(I)).

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6 Freddie Mac's procedural objections are sustained. Plaintiff's motion to compel
7 (Dkt. # 93) is DENIED.

8 Dated this 1st day of February, 2012.

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10 Robert S. Lasnik

11 United States District Judge
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